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February 6, 2023

Via Electronic Case Filing

Hon. J. Paul Oetken, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *Kabir v. The Masawala LLC et al*
Case No.: 1:21-cv-10289 (JPO)

Dear Judge Oetken:

This firm represents Plaintiff in the above-referenced action. We write in opposition to Defendants' letter, dated February 1, 2023, and to request that the phone conference scheduled for tomorrow be canceled. In short, after diligently searching for Plaintiff, the undersigned was able to locate Plaintiff and get in contact with him. Out of respect for the Court's time, and because counsel for the parties can and should be able to resolve any remaining issues among themselves, we believe tomorrow's conference is unnecessary.

Prior to making this request, I asked defense counsel, Mr. Previn, if he would consent to cancelling the conference in light of Plaintiff resurfacing. As expected, Mr. Previn withheld his consent, stating that he still wants to have a conference to discuss Plaintiff's prior (and only) "unresponsiveness" in this case, completely ignoring that Plaintiff is now available and that Mr. Previn, himself, was unresponsive in this case for many months. With this latest showing of bad faith, it is evident that Mr. Previn's preference is to unnecessarily seek judicial intervention (even when he has failed to meet and confer in the past) and flood the docket with extraneous filings, with the purpose of distorting the facts, exaggerating non-issues, and (in our estimation) running up legal fees. However, we can only control what our client and office does. Accordingly, we kindly ask the Court to cancel tomorrow's conference, extend the discovery deadline by sixty days, and order the parties to mediation. We thank the Court for its time and consideration of the herein request.

Respectfully submitted,

/s/
Louis M. Leon, Esq. (LL 2057)
Attorneys for Plaintiff